

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 ARTHUR KAYE IRA FCC AS
12 CUSTODIAN DTD 6-8-00, et al.,

13 Plaintiffs,

14 v.

15 IMMUNOCELLULAR THERAPEUTICS,
16 LTD., et al.,

17 Defendants.
18

NO. CV 17-3250 FMO (SKx)

ORDER TO SHOW CAUSE

19 On May 1, 2017, plaintiffs filed a complaint for violations of federal securities laws.
20 (See Dkt. 1, "Complaint"). Plaintiffs filed a First and Second Amended Complaint ("SAC").¹ (See
21 Dkts. 43 & 53). On January 8, 2018, pro se defendant Brian Nichols ("Nichols" or "defendant")
22 filed an Answer to the SAC. (See Dkt. 82, Defendant Brian Nichols' Answer and Affirmative
23 Defenses to Plaintiff's Second Amended Complaint). Over the last few months, documents sent
24 to defendant have been returned by the postal service as undeliverable. (See Dkt. 97; see also
25 Dkts. 102, 103, 110 & 111). Pursuant to Local Rule 41-6, Nichols has an obligation to keep the
26 court advised of a current address throughout the duration of his lawsuit. See L.R. 41-6 ("A party
27 proceeding pro se shall keep the Court and opposing parties apprised of such party's current
28

¹ Plaintiffs filed the operative Third Amended Complaint on June 29, 2018. (See Dkt. 105, "TAC").

1 address and telephone number[.]”). **Nichols is advised that failure to timely comply with this**
2 **Order or with its continuing obligation to keep the court apprised of a current mailing**
3 **address, may result in the entry of default against him.** See L.R. 83-2.4; see also L.R. 41-6.

4 Based on the foregoing, IT IS ORDERED THAT:

5 1. Defendant shall file with the court a Notice of Change of Address no later than
6 **August 29, 2018.**

7 2. In the event Nichols does not file a Notice of Change of Address, plaintiffs shall file
8 a motion for default judgment against Nichols no later than **September 5, 2018.** Failure to file a
9 motion for default may result in the action against Nichols being dismissed for failure to prosecute
10 and/or failure to comply with a court order. See Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370
11 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

12 Dated this 15th day of August, 2018.

13
14 /s/

15 _____
16 Fernando M. Olguin
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28